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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,548	03/18/2004	Larry Holmberg	HLMBL004USPT04	7466
23403 7590 03/09/2009 SHERRILL, LAW OFFICES 4756 BANNING AVE SUITE 212 WHITE BEAR LAKE, MN 55110-3205			EXAMINER HO, TUAN V	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 03/09/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/804,548

**Applicant(s)**

HOLMBERG, LARRY

**Examiner**

Tuan V. Ho

**Art Unit**

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. After carefully reviewing claims 27 and 28, the allowance has been withdrawn due to new ground of rejections. The examiner regrets any inconvenience to Applicant.
2. The double patenting rejections have been withdrawn due to The Terminal Disclaimer filed on 11/25/08.
3. Applicant's arguments filed 12/5/08 have been fully considered but they are not persuasive.

With regard to claim 24, 26 and 28, Applicant argues that "The Second Embodiment of the present claimed invention involves the step of moving a display housing containing a display from a first position that covers a lens to a second position that uncovers the lens. In contrast, Griencewic moves the lens (124) not the display (40) to achieve the first and second positions.

The Second Embodiment of the present claimed invention also involves the step of uncovering the display when the display housing is moved to the second position. In contrast, Griencewic has a display (40) that is always uncovered, regardless of whether the lens (124) is in the first or second position". In response to the arguments, the examiner takes a broader interpretation and notes that when the display 40 is in a closed position, camera 120 is in inside position. That is to say the

display is in the first position. Next, when the display 40 is in an open position, and the camera is in an outside position; as a result, in a second position, the camera 120 has a lens uncovered and ready to take a picture. It should be noted that the moving positions of a display with respect to lens 120 or lens 120 with respect to the display relatively depend from a view at display 40 or at lens 120; in addition, the claims do not specifically recite how display and les are moved.

For the above reasons, the rejections are repeated.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Griencewic.

With regard to claim 24, Griencewic discloses in Figs. 10-11, a camera system that performs the method of operating a camera comprising display housing has a first position (display

40 is in closed position, and camera 120 is in a inside position) and a second position (display 40 is in an open position and camera is in an outside position) and uncovering the display when moving the display housing to the second position (display is moved to an up and open positions and the camera is out of the housing; where the optical lens of camera 120 is uncovered).

With regard to claim 26, Griencewic discloses in Figs. 10-11, a camera system that comprises the operationally activating the lens and the display when the display housing is positioned in the second position (display 40 and lens 124).

With regard to claim 27, Griencewic discloses in Figs. 10-11, a camera system that comprises the moving the display housing further comprises, sliding the display housing from the first position to the second position (display 40 is moved from closed position to an open position).

With regard to claim 28, Griencewic discloses in Figs. 10-11, a camera system that comprises the moving the display housing further comprises, rotating the display housing from the first position to the second position display 40 is rotated form a closed opposition to an open position.

With regard to claim 29, Griencewic discloses in Figs. i0-ii, a camera system that comprises the protecting the display

from weather with a weather shield when the display housing is in the second position (display 40).

5. Claims 1-23 are allowed.

6. The Office action is not made Final since new ground of rejections applied to the claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/

Primary Examiner, Art Unit 2622